

REMARKS

Applicant respectfully requests re-consideration of the application in view of the amendments and the arguments presented below.

Summary of Office Action

Claims 1-22 are pending.

Claims 1-22 were provisionally rejected on grounds of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-23 of co-pending application no. 10/750,420.

Claims 1-7, 10-18 and 20 were rejected under U.S.C. § 103 as being unpatentable over “admitted prior art” (APA) in view of U.S. Patent No. 6,990,191 of Anderson, et al. (“Anderson”).

Claims 8 and 19 were rejected under 35 U.S.C. § 103 as being unpatentable over APA, Anderson, and U.S. Patent No. 5,835,533 of Booth, et al. (“Booth”).

Claims 21-22 were rejected under 35 U.S.C. § 103 as being unpatentable over APA, Anderson, and U.S. Patent No. 6,226,331 of Gambuzza (“Gambuzza”).

Claim 9 was indicated as being allowable if re-written.

Response to nonstatutory obviousness-type double patenting rejections

Claims 1-22 were provisionally rejected on the grounds of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-23 of co-pending application no. 10/750,420.

Accompanying this Amendment is a terminal disclaimer that terminally disclaims the present application against co-pending application no. 10/750,420. Accordingly, applicant submits that application no. 10/750,420 has been obviated as a reference.

Applicant respectfully submits that the nonstatutory obviousness-type double patenting rejection has been overcome.

Response to 35 U.S.C. § 103 rejections

Claims 1-7, 10-18, and 20 were rejected under U.S.C. § 103 as being unpatentable over “admitted prior art” (APA) in view of Anderson.

Applicant respectfully submits that Figure 4B is NOT admitted prior art. Applicant refers the Examiner to the discussion entitled “Response to Drawing Objections” in the response mailed by applicant on January 10, 2006 in the present case. In fact, applicant expressly refused to label Figure 4B as “Prior Art”. As noted in the previous discussion, “Figure 4B illustrates a high level integration of POTS and DSL linecards as claimed by applicant, thus Figure 4B has not been designated with a ‘Prior Art’ legend.” (Response to 09/25/2005 Office Action). Thus applicant submits the “alleged APA” is not APA and thus is removed as a reference.

Referring to Anderson, applicant notes that Anderson discloses a single driver for voice, data, and metering (Anderson, block 250, Fig. 2). Even if one declares block 250 to be a summing block and blocks 230, 235 to be the actual drivers, clearly both drivers are communicating downstream data, metering signal, and voice. There is no teaching or suggestion found in Anderson of
1) driving a downstream data signal AND a metering signal with a first driver; and
2) driving a downstream voice signal with a second driver; wherein the second driver is distinct from the first driver.

In contrast, claim 1 includes the language:

1. A subscriber line interface circuit apparatus, comprising:
 - a first driver for driving a downstream data signal in a non-voiceband range and a metering signal onto a subscriber line;*
 - a second driver for driving a downstream voice signal in a voiceband range onto the subscriber line, wherein the second driver is distinct from the first driver; and*
 - receiver circuitry coupled to provide an upstream data signal and an upstream voice signal from an upstream signal carried by the subscriber line, wherein the first driver and receiver circuitry reside on a same first integrated circuit die.

(Claim 1)(*emphasis added*)

With respect to claim 12, Anderson, appears to teach that there is a single driver (250) or alternatively that the drivers (130, 135) each drive all the downstream signals including metering, voice, and data.

Thus Anderson does not teach or suggest 1) *driving a downstream data signal and a metering signal onto a subscriber line with a first driver*; 2) *driving a downstream voice signal with a second driver, wherein the first driver resides on an integrated circuit exclusive of the second driver*.

In contrast, claim 12 includes the language:

12. A subscriber line interface circuit apparatus, comprising:
 first driver circuitry for combining and driving a downstream data signal and a metering signal onto a subscriber line;
 second driver circuitry for driving a downstream voice signal onto the subscriber line; and
 receiver circuitry for receiving and separating an upstream signal from the subscriber line into an upstream voice signal and an upstream data signal, wherein the first driver circuitry and the receiver circuitry reside on a same first integrated circuit die exclusive of the second driver circuitry.

(Claim 12)(*emphasis added*)

Applicant thus submits that claims 1 and 12 are patentable under 35 U.S.C. § 103 in view of Anderson.

Applicant submits that Gambuzza and Booth were cited only with respect to dependent claims. Therefore, applicant submits claims 1 and 12 are patentable under 35 U.S.C. § 103 in view of the cited references.

Given that claims 2-11 depend from claim 1 and claims 13-22 depend from claim 12, applicant submits claims 2-11 and 13-22 are patentable over the cited references.

Applicant respectfully submits the rejections under 35 U.S.C. § 103 have been overcome.

Conclusion

In view of the arguments presented above, applicant respectfully submits the applicable rejections have been overcome. Accordingly, claims 1-22 should be found to be in condition for allowance.

If there are any issues that can be resolved by telephone conference, the Examiner is respectfully requested to contact the undersigned at (512) 858-9910.

Respectfully submitted,

Date October 1, 2007

William D. Davis
William D. Davis, Reg. No. 38,428